

Appl. No.: 10/518,033  
Amdt. dated May 13, 2008  
Reply to Office Action of November 23, 2007

Amendments to the Drawings:

In view of the Official Action's objection to Figure 3 for not including a latch as recited in Claims 10-15, the attached replacement sheet, which includes Figure 3, is presented to provide a latch. No new matter has been added by way of this amendment. Accordingly, Applicant respectfully requests that this amendment be entered.

The replacements sheets can be found in an Appendix following page 11 of this document. The replacement sheets are in compliance with 37 CFR 1.121(d).

Attachments: Replacement Sheet: FIG. 3.

### **REMARKS/ARGUMENTS**

This Amendment is filed in response to the Final Office Action dated November 23, 2007. Applicant notes with appreciation the Examiner's thorough examination of the application as evidenced by the first Office Action. Initially, the Official Action objects to the drawings for not showing every feature of the invention specified in the claims. More particularly, the Official Action objects to Figure 3 for not including a latch as recited in Claims 10-15. In light of the objection, Applicant has amended "transmit shift register" provided in Figure 3 to now read "latch/transmit shift register." No new matter has been added by way of these amendments. Accordingly, Applicant respectfully submits that the objection to the drawings is overcome.

The Official Action objects to Claims 1-3 and 9-11 for various informalities relating to typographical errors. More particularly, Claim 1 has been objected to for reciting "continuing data" instead of "containing data." Claims 2-3 and 10-11 have been objected for their dependencies from Claim 1. In light of the objection, Claim 1 has been amended to recite "containing data[.]" Accordingly, Applicant respectfully submits that the objection to Claim 1, and by dependency Claims 2-3 and 10-11, is overcome. Claim 9 is also objected to for failing to include the word "circuit" after one instance of the word the phrase "POR." Claim 9 has been amended to remove the instance of the phrase "POR" indicated in the Official Action. Accordingly, Applicant respectfully submits that the objection to Claim 9 is moot.

Claims 1-15 are pending the present application. Of these pending claims, the Official Action rejects Claims 10-15 under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement and claiming subject matter that was not described in the specification. More particularly, the Official Action asserts that the specification of the PCT application and the current application fail to disclose a latch as recited in Claims 10-15 and moreover that Figures 1-3 also fail to provide a latch as recited in Claims 10-15. In light of the rejection, Applicant respectfully submits that a latch and a transmit shift register are similar in that they both store information. A latch can store one bit of information while a transmit shift register can store one byte of information. Accordingly, Applicant respectfully submits that

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there is sufficient support in the specification for the recitation of "latch" in Claims 10-15. Nevertheless, Claims 10-15 have been amended to recite latch/transmit shift register. Similarly, and as discussed above, Figure 3 has been amended to read "latch/transmit shift register." No new matter has been added by way of these amendments. Accordingly, Applicant respectfully submits that the rejection of Claims 10-15 under 35 U.S.C. §112, first paragraph, is overcome.

The Official Action rejects Claims 1, 3, 4, 6, and 10-15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,471,345 to Barrett, Jr. (hereinafter the "Barrett '345 patent") and further in view of U.S. Patent No. 5,537,105 to Marsh et al. (hereinafter the "Marsh '105 patent"). The Office Action rejects Claims 2, 5, 7 and 8 as unpatentable over the Barrett '345 patent in view of the Marsh '105 patent and further in view of U.S. Patent No. 5,744,990 to Burstein et al. (hereinafter the "Burstein '990 patent"). The Office Action rejects Claim 9 as unpatentable over the Barrett '345 patent in view of the Burstein '990 patent.

In light of the rejection, Claims 1-7 and 9-15 have been amended. Claims 16-20 have been added. No new matter has been added by way of these amendments. Reconsideration and prompt allowance of the pending claims is respectfully requested in light of the foregoing amendments and following remarks.

The Barrett '345 patent discloses a communication system for detecting when one or more independent tag circuits come within range of a monitoring station and identifying such tag circuits despite such tag circuits coming into range simultaneously. The system includes a means for radiating an interrogation signal having a first code pattern from a monitoring station. The system also includes means for responding to the interrogating signal by radiating a series of response signals. The response signals each contain a predetermined second code pattern and means for varying the intervals between successive response signals in at least a pseudorandom manner.

Independent Claim 1 is directed to an identification system comprising a reader including a transmitter for transmitting a signal and a plurality of transponders. Each transponder includes a receiver for receiving the reader signal and a transmitter for generating a response signal

containing data that identifies the transponder. The transponders are adapted to repeat the transmission of the response signal at intervals that are random or pseudo-random in length. The identification system also comprises a counter driven by a clock such that the output from the counter provides a random number or a seed value for a random number generator to affect the randomness of the intervals between the signals. Independent Claims 4, 6 and 9 apply the inventive concept discussed above to a transponder, an integrated circuit for use in a transponder, and a method for identifying a plurality of transponders, respectively.

Independent Claim 1 has now been amended to recite that the transmitter transmits a reader signal and that each of the plurality of transponders also includes a counter. Claim 1 has been further amended to recite that at least one of the plurality of transponders is adapted to repeat the transmission of the response signal at intervals that are random or pseudo-random in length and are based at least in part on a value of the counter that is generated when the reader signal is received. Independent Claims 4 and 6 have been similarly amended.

The Barrett '345 patent fails to teach or suggest that the disclosed response signal intervals are based at least in part on a value of a counter that is generated when the reader signal is received, as now recited in amended independent Claim 1. At best, the Barrett '345 patent only discloses that reply counter 89 is loaded with a random number from flip-flops 204, 205 and 206 at the end of any frame in which reply counter 89 is in its zero state. This disclosure does not teach, suggest, or render obvious the claimed "value of the counter that is generated when the reader signal is received[.]" See column 14, line 44 to column 15, line 2 of the Barrett '345 patent. Moreover, the Official Action acknowledges that the Barrett '345 patent fails to teach or suggest that the transponder is adapted to repeat the transmission of the response signal and alleges that the Marsh '105 patent discloses such feature. Nevertheless, the Marsh '105 patent also fails to teach or suggest response signal intervals that are based at least in part on a value of a counter that is generated when a reader signal is received. Accordingly, Applicant respectfully submits that independent Claims 1, 4 and 6, by dependency, Claims 3 and 10-11, 12-13, and 14-15, respectively, are patentably distinct from the cited references, taken individually or in combination.

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With respect to the rejection of Claims 2, 5, 7, and 8, Applicant notes that these claims are dependent from allowable independent Claims 1, 4 and 6, respectively, and are therefore patentably distinct from the Barrett '345 patent and the Marsh '105 patent, for at least the reasons set forth above. Moreover, the Official Action acknowledges that the Barrett '345 patent and the Marsh '105 patent both fail to teach or suggest a counter and a clock that are reset upon action of a POWER-ON-RESET (POR) circuit, as recited in Claims 2, 5, 7 and 8, and instead relies on the Burnstein '990 patent for allegedly disclosing such feature. Nevertheless, Applicant respectfully submits that the Burnstein '990 patent fails to cure the deficiencies of the Barrett '345 patent and the Marsh '105 patent and also does not teach or suggest response signal intervals that are based at least in part on a value of a counter that is generated when the reader signal is received. Accordingly, Applicant respectfully submits that Claims 2, 5, 7, and 8 are also patentably distinct from the cited references, taken individually or in combination.

Independent Claim 9 has been amended similarly to independent Claims 1, 4 and 6. Independent Claim 9 has been further amended to recite that the transponder is adapted to transmit a response signal containing data that identifies the transponder, and wherein the transponder comprises a counter driven by a clock that is responsive to activation of the POR circuit. As discussed, the cited references, taken individually or in combination, fail to teach or suggest the features discussed above and accordingly, independent Claim 9 is patentably distinct from the cited references. Moreover, Applicant further submits that the cited references, taken individually or in combination, fail to teach or suggest that the transponder is adapted to transmit a response signal containing data that identifies the transponder, and wherein the transponder comprises a counter driven by a clock that is responsive to activation of the POR circuit. Accordingly, independent Claim 9 is further patentably distinct from the cited references, taken individually or in combination, for at least this additional reason.

As mentioned above, Claims 16-20 have been added to further define the invention concept described in the present disclosure. In this regard, independent Claim 16 further clarifies that the counter is driven by a clock, wherein the clock has a period/frequency and the value of the counter is based at least in part on the period/frequency of the clock. Support for these

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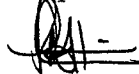
claims can be found, for example, at paragraph [0033] of the present disclosure. Applicant respectfully submits that the features of independent Claim 16 are not taught or suggested by the cited references, taken individually or in combination. Accordingly, Applicant respectfully submits that independent Claim 16, and by dependency Claims 17-20 are further patentably distinct from the cited references, taken individually or in combination.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issue.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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APPENDIX:

1. Replacement Sheet FIG. 3.